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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,865	02/21/2002	Uma Arunkumar	GP-302051 2760/49	7567
7590 General Motors Corporation Legal Staff, Mail Code 482-C23-B21 300 Renaissance Center P.O. Box 300 Detroit, MI 48265-3000			EXAMINER SHAW, PELING ANDY	
		ART UNIT 2144	PAPER NUMBER PAPER	
		MAIL DATE 02/15/2008	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/079,865	ARUNKUMAR, UMA	
	Examiner Peling A. Shaw	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 November 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 23-44 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 23-44 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application

6) Other: ____ .

DETAILED ACTION

1. In view of the appeal brief filed on 11/27/2007, PROSECUTION IS HEREBY REOPENED. New ground of rejection, i.e. claim 23-44 rejections under 35 U.S.C. 103, is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Amendment received on 02/02/2007 has been entered into record. Claims 23, 26 and 44 are amended. Claims 23-44 are currently pending.
3. Applicant's submission filed on 08/30/2006 was entered. Claims 1-22 were cancelled. Claims 23-44 were new.
4. Amendment received on 01/19/2006 was entered. Claim 22 was new.
5. Amendment received on 06/24/2005 was entered. Claims 1, 16 and 19 were amended.

Priority

6. This application has no priority claim made. The filing date is 02/21/2002.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-27, 29-35, 37-38 and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jijina et al. (US 20030103599 A1), hereinafter referred as Jijina in view of Mizikovsky (US 5559860 A), hereinafter referred as Mizikovsky.

a. Jijina shows (claim 23) a method for notifying a customer of a message available for delivery via a client vehicle communication unit (VCU) installed in a vehicle of the customer (paragraph 4: vehicle phone answers each in-coming call, voice or data, when an ignition of vehicle is on or when the VCU is awake in a DRx cycle), the method comprising the steps of: establishing a connection between a server and the client VCU (paragraph 4: wake up to receive data calls); sending a query to the client VCU from the server for an indication of whether the customer is available in the vehicle for receiving the message (paragraph 4: receive data calls when ignition is on or when the VCU is awake in a DRx cycle); sending a message to the client VCU for delivery to the customer if the server receives the indication that the customer is available (paragraph 4: receive data calls when ignition is on or when the VCU is awake in a DRx cycle). Jijina does not show (claim 23) if the server does not receive the indication that the customer is available for receiving the message, then

performing any one or more of the following: i) sending a failed delivery message to the client VCU, ii) sending the message to the client for storage on the client VCU, or iii) retrying delivery of the message to the client VCU at a later time after a time interval. However, Jijina does show (paragraph 7) receiving the call forwarding rings within a prescribed period (i.e. the ignition of the vehicle is on or the VCU is awake in a DRx cycle).

- b. Mizikovsky shows (column 8, lines 8-19) a calling party ID buffer receives the calling party identifying data included in an “alert with information” message transmitted to the mobile station from a base station in an analogous art for the purpose of user selectable response to an incoming call at a mobile station.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Jijina’s functions of remotely routing a voice call with Mizikovsky’s functions of user selectable response to an incoming call at a mobile station.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide legacy mobile station function as per Mizikovsky’s teaching in vehicle phone including a VCU as per Jijina’s teaching (paragraph 4) in the general art of mobile communication as per Mizikovsky (abstract) and Jijina (paragraph 7)’s teaching.
- e. Regarding claim 24, Jijina shows wherein the indication of whether the customer is available in the vehicle for receiving the message is an ignition status (paragraph 4: receive data calls when ignition is on).

- f. Regarding claim 25, Jijina shows wherein the message is one of the group consisting of a voice message, a facsimile (FAX), an E-mail message, and a transfer of data (paragraph 4: receive voice or data call when ignition is on or the VCU is awake in a DRx cycle).
- g. Regarding claim 26, Jijina shows wherein the step of sending a message to the client VCU for delivery to the customer further comprises annunciating to the customer the type of message available for delivery (paragraph 7: call forwarding ring; paragraph 8: provide fake rings to subscriber).
- h. Regarding claim 27, Jijina shows wherein the step of sending a message to the client VCU for delivery to the customer occurs after the vehicle ignition is turned on if the indication that the customer is available is not received by the server (paragraph 4: receive data or voice call when ignition is on).
- i. Regarding claim 29, Mizikovsky shows wherein sending a message to the client VCU for delivery to the customer includes broadcasting an audible message to the customer inside the vehicle (column 5, lines 26-42: audio output to supply the decoded audio signals, such as audible sound, voice signals).
- j. Regarding claim 30, Mizikovsky shows further comprising the step of storing a message for later annunciation to the customer on the client VCU upon the server acquiring an IGNITION OFF status (column 8, lines 51-59: voice mail system).
- k. Regarding claim 31, Mizikovsky shows further comprising the step of sending a code to the client VCU from the server representative of the message for later annunciation

(column 8, lines 34-50 and 60-65: distinctive ring indicator, voice synthesizer trigger to provide a verbal report or indication of the calling party).

- l. Claims 32-35, 37-38 and 41 are of the same scope as claims 23-24, 26-27 and 29-31.
These are rejected for the same reasons as for claims 23-24, 26-27 and 29-31.
- m. Regarding claim 40, Jijina shows further comprising the step of delaying delivery of the message to client VCU upon acquiring an IGNITION OFF status (paragraphs 7-8 and 23: transfer to voice mail).
- n. Claim 42 is of the same scope as claims 23-24. It is rejected for the same reasons as for claims 23-24.
- o. Regarding claim 43, Jijina shows wherein the step of sending a message to the client VCU for delivery to the customer further comprises sending ring tones to the client VCU (paragraph 23: rings).
- p. Regarding claim 44, Jijina shows wherein the step of sending a message to the client VCU for delivery to the customer further comprises the customer initiating delivery of the message to the customer (paragraphs 23-24: answer phone or voice message).

Together Jijina and Mizikovsky disclosed all limitations of claims 23-27, 29-35, 37-38 and 40-44. Claims 23-27, 29-35, 37-38 and 40-44 are rejected under 35 U.S.C. 103(a).

8. Claims 28, 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jijina, Mizikovsky and further in view of Nascimento (US 20020128000 A1), hereinafter referred as Nascimento.

- a. Jijina and Mizikovsky show claims 23 and 32 as above. Neither Jijina nor Mizikovsky shows (claim 28) further comprising the steps of periodically sending a

query to the client VCU from the server if the server fails to receive the indication that the customer is available in response to previous queries.

- b. Nascimento shows (paragraph 119) determining which RMMs will receive which services according to inquiry operation and the inquiry operations can be selected periodically in an analogous art for the purpose of driving detection/notification and locations/situation-based services.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Jijina's functions of remotely routing a voice call with Mizikovsky's functions of user selectable response to an incoming call at a mobile station and Nascimento's functions of location/situation-based services.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide legacy mobile station function as per Mizikovsky's teaching in vehicle phone including a VCU as per Jijina (paragraph 4) or VCM as per Nascimento (paragraph 95)'s teaching in the general art of mobile communication as per Mizikovsky (abstract), Jijina (paragraph 7) and Nascimento (paragraph 8)'s teaching.
- e. Regarding claim 36, Nascimento shows further comprising the step of sending an IGNITION ON message to the server from the client VCU when the ignition mode changes from an off mode another mode (paragraph 119: inquiry periodically for status). Jijina shows (paragraph 4) that vehicle phone answers each in-coming call, voice or data, when an ignition of vehicle is on or when the VCU is awake in a DRx cycle.

f. Regarding claim 39, Nascimento shows wherein the customer initiates delivery of the message with a verbal command (paragraph 109: speech recognition).

Together Jijina, Mizikovsky and Nascimento disclosed all limitations of claims 28, 36 and 39. Claims 28, 36 and 39 are rejected under 35 U.S.C. 103(a).

Response to Arguments

9. Applicant's arguments as appeal brief filed on 11/27/2007 with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

a. Applicant's current arguments as per appeal brief filed on 11/27/2007 are reviewed against the claim rejections as per office action dated 04/27/2007. Further search are done with respect to applicant's argued limitations and a new ground of rejection, i.e. Mizikovsky, is identified. The claim 23-27, 29-35, 37-38 and 40-44 rejections are now under 35 U.S.C. 103(a) over Jijina in view of Mizikovsky. The claim 28, 36 and 39 rejections are now under 35 U.S.C. 103(a) over Jijina, Mizikovsky and further in view of Nascimento. Claim rejections are updated as above. It is believed that all arguments are addressed with the combinatory of Jijina, Mizikovsky and Nascimento.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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